

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 77858

Erin Peterson  
Kathleen Peterson  
Shane Peterson

8502 Pleasant Plains Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 30, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312, 305, 306, failure to remove rodent infestation, failure to remove junk, trash and debris on residential property zoned DR 10.5 known as 8502 Pleasant Plains Road, 21286.

On June 9, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jeffrey Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,200.00 (one thousand two hundred dollars).

The following persons appeared for the Hearing and testified: Shane Peterson, Respondent, and Jeffrey Radcliffe, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on May 26, 2010 for removal of trash and debris, treat for rodents under shed. This Citation was issued on June 9, 2010.

B. Inspector Jeff Radcliffe testified that there was a prior complaint and code enforcement case in January 2010 regarding the same issues, including rat infestation, but that the property owner cleaned up the property and the case was closed. This complaint was received in May 2010. Inspector Radcliffe testified that his inspection found junk and debris outside around the shed including walkers and a potty chair. Photographs in the file show junk piled next to the shed including an old swim ladder, swim toys, walkers, plastic storage crates, and household items. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Inspector Radcliffe further testified that he observed ratholes in back of the shed and saw no evidence of bait or other treatment for the rat infestation. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306.

D. Respondent Shane Peterson testified that he put blue rat poison in the rathole six or eight weeks ago. He testified that some of the junk has been moved and that his son will remove the rest. He agreed that additional cleanup and treatment for the rat infestation is necessary and that it will be done. Because compliance is the goal of code enforcement, and Respondent is working to eliminate the violations, the proposed civil penalty will be rescinded if the violations are corrected within the time provided below. Respondent must continue to treat the infestation until it is abated, and then is required by law to rat-proof or remove the shed. County Code Section 13-7-307. Periodic inspections should continue until the rat infestation is fully abated, holes and burrows are closed, and the shed is removed or rat-proofed.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by August 10, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 7<sup>th</sup> day of July 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.